

REMARKS

Claims 1-4 and 6 are pending. Claims 1 and 4 are amended and claim 5 is canceled. It is believed that entry of the amendment after final rejection does not raise new issues and would place the application in condition for allowance.

Claim 4 was rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Claim 4 was also rejected under 35 USC §112, second paragraph, as being indefinite. Favorable reconsideration of these rejections is earnestly solicited in view of the amendments made herein.

Claim 4 has been amended to clarify that the opening is not fully filled with the capacitor storage electrode. As noted by the Examiner, this feature is supported in Fig. 34. In addition, claim 4 is amended into independent form. Accordingly, the amended claims are in full compliance with 35 USC § 112. Reconsideration and withdrawal of the rejections under 35 USC § 112 is respectfully requested.

Claims 1, 3 and 6 were rejected under 35 USC §103(a) as being unpatentable over Miki et al. in view of Miyake. Favorable reconsideration of this rejection is earnestly solicited.

Claim 1 is amended to incorporate the allowable features of claim 5. Accordingly, this rejection has been rendered moot.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

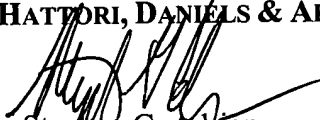
Amendment After Final Rejection
Serial No. 10/797,183
Attorney Docket No. 960045D

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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